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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,890	03/07/2000	Erich Guenther	Q55501	9865

7590

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EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/520,890

Applicant(s)

GUENTHER, ERICH

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

The drawings are objected to because:

Figure 2B, element 2 should be changed to element 22.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 13, 15-16, 19-20, 22, 25-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fushiki.

As to claims 13, 22 and 28, Fushiki et al. teaches retrieving images composed of at least one base image and secondary element from storage (figure 3B, (the first and secondary image are merging) column 3, lines 10-25 and column 4, line 63 through column 5, line 15); and merging the retrieved base image with the retrieved secondary image to form a page window (figure 3B, column 8, lines 8-35) and displaying the page window on a computer display screen (column 18, lines 8-28).

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As to claim 14, Fushiki also teaches loading the retrieved base image into a display memory (column 6, lines 1-15).

As to claim 15, Fushiki demonstrates determining which secondary image to retrieve from a plurality of secondary images (figure 3B, column 8, lines 15-35).

As to claim 16, Fushiki also demonstrates storing the retrieved secondary image in display storage (column 18, lines 26-53).

As to claims 19 and 25, Fushiki shows modifying the retrieved base image by adding the secondary image elements of the retrieved secondary image to the base image elements of the retrieved base image (figure 3B, column 4, lines 46-67 and column 14, lines 32-51).

As to claims 20 and 26, Fushiki et al. also shows modifying the retrieved base image by blanking out selected base image elements of the retrieved base image according to the secondary image elements of the retrieved secondary image (figure 3B, column 4, lines 46-67 and column 14, lines 32-51).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14, 17-18, 21, 23-24, 27 and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breyer et al. [US. 6,256,625] in view of Fushiki et al.[US. 6,480,201].

As to claims 1, 4, 7-9, 17, 18, 23-24, Breyer et al. discloses an image (column 2, lines 34-45) including at least a control element (column 4, lines 35-54), a static element (column 5, lines 5-15) and a status element (column 5, line 65 through column 6, line 5) for display on the page window. The difference between Breyer et al. and the claim is multiple images with first (base) and secondary images. Fushiki et al. shows the feature at column 3, lines 10-23. It would have been obvious to one of ordinary skill in the art, having the teachings of Breyer et al. and Fushiki et al. before them at the time the invention was made to modify the image elements as taught by Breyer et al. to include the method of teaching multiple images of Fushiki et al., with the motivation being to allow a user to conveniently manage element function on different image as taught by Fushiki et al.

As to claims 2, 6, 12, 21, 27, 32 and 36, Fushiki et al. teaches the base image is derived from a plurality of base images (column 3, line 65 through column 4, line 12).

As to claim 3, Fushiki et al. also teaches the at least one secondary image comprises a plurality of secondary images (column 8, lines 15-35).

As to claim 5, while Breyer et al. shows functional elements, Fushiki et al. teaches modifying of the first and second image (column 4, lines 55-65).

As to claims 10 and 11, while Breyer et al. provides control and status stimuli (column 4, lines 35-54 and column 5, line 65 through column 6, line 5), Fushiki et al. teaches modifying (column 5, line 65 through column 6, line 5).

As to claims 29, 33 and 37, while Breyer et al. also provides control or status elements, Fushiki et al. teaches retrieving a base image and secondary (column 3, lines 10-25 and column 4, line 63 through column 5, line 15); and merging the retrieved base image with

the retrieved secondary image to form a page window (figure 3B, column 8, lines 8-35) and displaying the page window on a computer display screen (column 18, lines 8-28).

As to claim 30, Fushiki shows modifying the retrieved base image by adding the secondary

image elements of the retrieved secondary image to the base image elements of the retrieved base image (figure 3B, column 4, lines 46-67 and column 14, lines 32-51).

As to claims 31, Fushiki et al. also shows modifying the retrieved base image by blanking out selected base image elements of the retrieved base image according to the secondary image elements of the retrieved secondary image (figure 3B, column 4, lines 46-67 and column 14, lines 32-51).

As to claims 34, Fushiki shows modifying the retrieved base image by adding the secondary image elements of the retrieved secondary image to the base image elements of the retrieved base image (figure 3B, column 4, lines 46-67 and column 14, lines 32-51).

As to claims 35, Fushiki et al. also shows modifying the retrieved base image by blanking out selected base image elements of the retrieved base image according to the secondary image elements of the retrieved secondary image (figure 3B, column 4, lines 46-67 and column 14, lines 32-51).

### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

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Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 4.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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